

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICKEY ROLIN,

No. 6:19-cv-1207-SU

Petitioner,

ORDER

v.

BRANDON KELLY,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation on October 27, 2020, in which she recommends that this Court deny the Amended Petition for Writ of Habeas Corpus, dismiss this case with prejudice, and decline to issue a Certificate of Appealability on the basis that Petitioner has not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2). F&R, ECF 28. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings & Recommendation. Pet. Obj., ECF 33. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

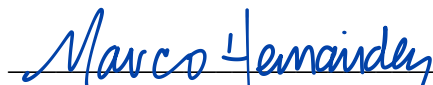
The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings and Recommendation [28]. Therefore, the Court DENIES the Amended Petition for Writ of Habeas Corpus [22], dismisses this case with prejudice, and declines to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED: January 31, 2021.


MARCO A. HERNÁNDEZ
United States District Judge